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PATENT

Application No. 10/563,566  
Docket Nos. 069044-5001-US

***REMARKS***

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendments, claims 23-38 are pending in the application, with claims 23 and 37 being the independent claims. Claims 1-22 have been canceled without prejudice or disclaimer. Support for the subject matter of the amended claims is contained in the application as originally filed. Because the foregoing changes introduce no new matter, their entry is respectfully requested.

Applicants respectfully submit that the pending claims have been amended such that they are directed to a dispenser and thus should be classified in class 700 along with the originally presented claims.

Applicants respectfully submit that new claims 23-38 are allowable over the cited art of record. Amended claims 23-36 are directed to a dispenser containing the formulation of cancelled claim 17. New claims 37-38 are also directed to a dispenser, which claims are based upon canceled claims 1 and 14.

The Examiner considered previously pending claims 1-21 to lack novelty in light of Haitin. With reference to new claims 23-36, Haitin fails to disclose formulations that are presented in a format such that (1) a patient's access to the formulation is controlled, and (2) the patient's access to the formulation is monitored in real time, and (3) such that the control over the patient's usage of the formulation does not require the supervision of a healthcare professional at the time of administration. The medicine cabinet system described by Haitin is intended for use by a health care attendant and clearly does not encompass the subject-matter of new claims 23 or 37, which specifically sets forth that the control over the patient's usage of the formulation *does not require* the supervision of a healthcare professional at the time of administration.

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Applicants respectfully submit that the new claims are not directed to the subject matter of cancelled claim 22. As such, the issue of whether Castellano discloses a particular kit of parts has been rendered moot.

***CONCLUSION***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-0310 (Order No. 069044-5001-US).

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

  
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